IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 15TH OCTOBER 2007 / 23RD ASWINA 1929

WP(C).No. 30416 of 2007(U)

PETITIONER:

K.MOHANAN, S/O KAMALASANAN,
AGED 50 YEARS, KALAPAKAVILAKAM HOUSE,
KARODU VILLAGE, NEYYATTINKARA TALUK,
THIRUVANANTHAPURAM.

BY ADV. SRI.SABU S.KALLARAMOOLA

RESPONDENTS:

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1. THE KERALA STATE FINANCIAL ENTERPRISES LTD., RPERESENTED BY ITS MANAGING DIRECTOR, K.S.F.E. BUILDINGS, HEAD OFFICE, THRISSUR.

2. THE MANAGING DIRECTOR, THE KERALA STATE FINANCIAL ENTERPRISES LTD., K.S.F.E. BUILDINGS, HEAD OFFICE, THRISSUR.

3. SPECIAL DEPUTY TAHSILDAR(REVENUE RECOVERY), K.S.F.E. LIMITED, NEYYATTINKARA, THIRUVANANTHAPURAM.

BY ADV. SRI.M.L.SAJEEVAN, SC
SRI.K.S.HARIHARAPUTHRAN,SC,K.S.F.E. LTD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/10/2007, THE COURT ON 15/10/2007 DELIVERED THE FOLLOWING:

V.GIRI, J.

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W.P.(C) No.30416 of 2007

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Dated this the 15th day of October, 2007.

JUDGMENT

The petitioner had subscribed to a chitty conducted by the first respondent. He defaulted payment of the instalments of the chitty. In the meanwhile he had availed two loans also from the first respondent. The property belonging to the petitioner having an extent of 70 cents in Neyyattinkara Taluk was mortgaged as a security for the loan availed by the petitioner. When there was default in repayment, the mortgage was sought to be enforced. The first respondent took steps for bringing the mortgaged property and another property which according to the petitioner was not mortgaged, to sale. The latter property is one where the petitioner conducts a service station.

2. Apparently the petitioner had approached the civil court as also the Lok Ayukta. He had even approached this court in an earlier petition as W.P.(C) No.18492/2005. The present grievance is directed against Ext.P1 sale notice.

3. Ext.P1 will show that an amount of Rs.5,39,948/- is demanded from the petitioner. The petitioner contends that the first respondent has not

given due credit for an amount of Rs.1,95,000/- stated to have been remitted by the petitioner.

4. I have heard the learned counsel for the petitioner and the learned Standing Counsel for the Financial Enterprises and the W.P. is disposed of in the following terms:

(i) The petitioner shall file a detailed representation before the first respondent clearly undertaking to pay the balance amount due to the first respondent within a time frame. If petitioner has grievance that any amount paid by him has not been given due credit, the same shall be indicated in the representation. The representation shall be filed within a period of three weeks from today.

(ii) On receipt of the representation, the first respondent shall after notice to the petitioner take a decision thereon and clearly indicate the further amount due from the petitioner and intimate the same to the petitioner within a period of one month thereafter.

(iii) The sale of the property scheduled to be held as per Ext.P1 revenue recovery notice shall be kept in abeyance till a decision is taken by the first respondent as aforementioned provided the petitioner pays an amount of rupees three lakhs within three weeks from today, to respondents 1 and 2. It is made clear that if payment is not made in the manner

aforementioned, then the facility given under this judgment shall stand withdrawn and respondents 1 and 2 will be entitled to proceed further with the revenue recovery proceedings as evidenced by Ext.P1.

V.GIRI
Judge

pms